

UNITED STATES DISTRICT COURT FOR THE  
SOUTHERN DISTRICT OF FLORIDA  
MIAMI DIVISION

**Case Number: 23-20079-CIV-MARTINEZ-SANCHEZ**

MARSHA BIENAIME,

Plaintiff,

v.

MIAMI-DADE COUNTY,

Defendant.

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**ORDER ADOPTING MAGISTRATE JUDGE'S OMNIBUS REPORT AND  
RECOMMENDATION**

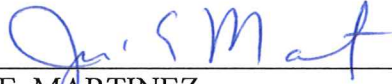
**THIS MATTER** was referred to the Honorable Eduardo I. Sanchez, United States Magistrate Judge, for a Report and Recommendation ("R&R") on Defendant's Motion to Dismiss Plaintiff's Second Amended Complaint ("the Motion"), (ECF No. 25), Plaintiff's Motion for Summary Judgment, (ECF No. 28), Defendant's Motion to Strike Plaintiff's Untimely Statement of Material Facts in Support of Plaintiff's Motion for Summary Judgment, (ECF No. 32), Defendant's Motion for Final Summary Judgment, (ECF No. 53), and a second Plaintiff's Motion for Summary Judgment, (ECF No. 61). *See* ECF Nos. 13, 36, 47. Magistrate Judge Sanchez filed an R&R recommending that the Motion be granted, (ECF No. 63). This Court has conducted a *de novo* review of Plaintiff's Objections, (ECF No. 65). After careful consideration of the record in this action, Magistrate Judge Sanchez's R&R, (ECF No. 63), and Plaintiff's Objections, (ECF No. 65), this Court finds that Plaintiff's objections fail to address the deficiencies outlined in the R&R as they relate to Plaintiff's Second Amended Complaint, and the dismissal of this action without prejudice and with leave to amend is appropriate.

Accordingly, it is hereby **ORDERED** and **ADJUDGED** that:

1. Magistrate Judge Sanchez's R&R, (ECF No. 63), is **AFFIRMED** and **ADOPTED**.
2. Defendant's Motion to Dismiss, (ECF No. 25), is **GRANTED without prejudice and with leave to amend**.
3. All pending motions are **DENIED as moot**.
4. If Plaintiff so chooses, **she has until and including September 30, 2024**, to file a third amended complaint that addresses the deficiencies set forth in the R&R. **Plaintiff's failure to do so will result in a dismissal without prejudice and without further warning.**
5. The Clerk is **DIRECTED** to **ADMINISTRATIVELY CLOSE** this case for **statistical purposes only** pending the filing of the third amended complaint. This shall not affect the substantive rights of the parties.

**DONE AND ORDERED** in Chambers at Miami, Florida, this 27 day of August 2024.

Copies provided to:  
All Counsel of Record  
Marsha Bienaime,  
2345 Superior Street  
Opa Locka, FL 33054  
PRO SE

  
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JOSE E. MARTINEZ  
UNITED STATES DISTRICT JUDGE